

VINCENT ROSENBALM

2100 NAPA VALLEJO HIGHWAY

NAPA, CA 94558

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

VINCENT ROSENBALM } MOTION FOR APPOINTMENT

V }

OF COUNSEL

ED FOULK }

HABEAS CORPUS

THOMAS ALLMAN }

CV08-3436 SI

I ASK FOR APPOINTMENT OF COUNSEL

DUE TO INEFFECTIVE ASSISTANCE OF

COUNSEL EXHIBIT(S) A, B, C AND DENIAL

OF THE STATE SUPREME COURT TO REVIEW

MY CASE (S163898).

APPELLATE COUNSEL'S FAILURE TO RAISE AN

ISSUE ON DIRECT APPEAL MAY CONSTITUTE

INEFFECTIVE ASSISTANCE OF COUNSEL, EVEN

WHEN THE STATE COURT HAS PREVIOUSLY

REJECTED THE ARGUMENT, IF FEDERAL

CIRCUIT PRECEDENT SUPPORTED THE

CLAIM (SEE FREEMAN V LANE (7TH CIR 1992)

962 F 2d 1252) EXHIBIT(S) INCLUDED

SHOW DENIAL OF EFFECTIVE COUNSEL FOR

(2) COURT APPOINTED ATTORNEYS LINDA THOMPSON

AND JULIA SPIKES WHO FOR 23 MONTHS

REFUSED TO VISIT ME IN CUSTODY! NOT ONCE!

UNDER THE PENALTY OF PERJURY THIS

IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

Vincent Rosenbalm

PROOF OF SERVICE 8/18/2008

I AM VINCENT ROSENBAUM AN
AMERICAN CITIZEN OVER 18 YEARS
OF AGE

ON 8/20/2008 I SERVED THE WITHIN

- 1) MOTION FOR APPOINTMENT OF COUNSEL/Holmes
- 2) EXHIBITS A(6), B(5), C(3) 14 PAGES
- 3) SUPREME COURT PETITION REVIEW S/63898
- 4) 11 PAGE NOTICE OF APPEAL (MENDOCINO 8/18/08)

BY PLACING AN ENVELOPE IN THE
NAPA STATE HOSPITAL MAIL
ADDRESSED TO: COURT CLERK

U.S. DISTRICT COURT
450 GOLDENGATE AVE
SAN FRANCISCO, CA 94102

From

Vincent Rosenbaum
2100 NAPA VALLEJO HIGHWAY
NAPA, CA 94558

Under the PENALTY OF PERJURY
THIS IS TRUE AND CORRECT TO
THE BEST OF MY KNOWLEDGE.

VINCENT ROSENBAUM

Vincent Rosenbaum

Court of Appeal, First Appellate District, Div. 5 - No. A116597
S163898

IN THE SUPREME COURT OF CALIFORNIA

En Banc

THE PEOPLE, Plaintiff and Respondent,

v.

VINCENT LEE ROSENBALM, Defendant and Appellant.

The petition for review is denied.

**SUPREME COURT
FILED**

JUL - 9 2008

Frederick K. Ohlrich Clerk

Deputy

GEORGE
Chief Justice

S163898

EXHIBIT A PAGE 1

FILED WITH PERMISSION

5/21/08

SUPREME COURT

FILED

MAY 29 2008

FIRST DISTRICT COURT OF APPEAL CASE NO: A116597

Frederick K. Ohlrich Clerk

PEOPLE OF THE STATE OF

2

CALIFORNIA

3

NOTICE OF APPEAL

Deputy

V

4

FILED AS:

PETITION FOR REVIEW

VINCENT LEE ROSENBALM

5

NOTICE IS HEREBY GIVEN THAT VINCENT ROSENBALM
 WISHES TO APPEAL CASE NO: A116597 FROM
 THE FIRST DISTRICT COURT OF APPEAL TO
 THE SUPREME COURT OF CALIFORNIA.
 I ASK FOR ASSISTANCE OF COUNSEL
 UNDER PENAL CODE 1240.1. I HAVE
 INCLUDED A WRIT CONCERNING INEFFECTIVE
 ASSISTANCE OF COUNSEL FOR ATTORNEY
 JULIA SPIKES ON THE FIRST APPELLATE
 DISTRICT CASE. YOU WILL SEE SHE
 VIOLATED MY RIGHTS TO PROPER COUNSEL.
 I ASK YOU TO APPOINT NEW COUNSEL
 WHO WILL ARGUE ALL THE GROUNDS
 NOT I. (EXHIBIT 1 - INEFFECTIVE ASSIS-
 TANCE OF COUNSEL) UNDER THE PENALTY
 OF PERJURY THIS IS TRUE AND CORRECT TO
 THE BEST OF MY KNOWLEDGE.

Vincent Rosenbalm

EXHIBIT A PAGE 2

VINCENT ROSENBAUM

5/17/08

2100 NAPA VALLEJO HIGHWAY UNIT 5

NAPA, CALIFORNIA 94558

SUPREME COURT OF CALIFORNIA

VINCENT ROSENBAUM

3

V

INEFFECTIVE
ASSISTANCE OF COUNSEL

ED FOULK-NAPA STAR Hospital

COURT OF APPEAL

FIRST APPELLATE DISTRICT
CASE NO: A116597

INEFFECTIVE ASSISTANCE OF COUNSEL

JULIA SPIKES FAILED TO FULFILL HER
DUTIES AS APPOINTED APPELLATE COUNSEL BY
FAILING TO "ARGUE ALL ISSUES THAT ARE ARGUABLE."

People v. Feggans (1967) 67 Cal. 2d 444, 447

[62 Cal. Rptr. 419, 432 P. 2d 2] see also PEOPLE v. WENDE,

SUPRA., 25 Cal. 3d 436.; PEOPLE v. Barton SUPRA. 21 Cal.

3d at P. 519 THESE ARE THE ISSUES SHE FAILED TO ARGUE.

1) DENIAL OF SPEEDY TRIAL PC 1382

2) DENIAL OF COMPETENCY HEARING PC 1368

3) PERJURY BY DOCTORS AND POLICE

4) DENIAL OF BAIL

5) DENIAL OF DISCOVERY

6) DENIAL OF WITNESSES

7) PC 859 b - 10 DAY PRELIMINARY

8) JUDICIAL MISCONDUCT

9) REFUSAL TO ANSWER HABEAS

10) RETURN OF PROPERTY

11) CHALLENGE TO SEARCH WARRANT

12) MALICIOUS PROSECUTION

INEFFECTIVE ASSISTANCE OF COUNSEL Page 2

13) INTERLOCUTORY ORDER (JUDGE ILLSTON)

THESE ARE JUST A FEW OF THE ISSUES
I NEEDED ARGUED ON APPEAL. DUE TO
JULIA SPIKES REFUSAL TO COME SEE ME
AND FILE MOTIONS I NEEDED FILED I REMAIN
ILLEGALLY IMPRISONED AND MILLIONS
OF DOLLARS OF DAMAGE HAVE OCCURRED.
ANOTHER PATIENT (BILLY CARTER) TOLD ME
HE IS ALSO HAVING TROUBLE GETTING
HER TO DO HER JOB!!

SHE FILED MOTIONS OR BRIEFS ON
ONLY 1 GROUND (MARSOEN) THE WHOLE
16 MONTHS OF APPEAL AND REFUSED
TO COME TALK TO ME AND REFUSED
TO ARGUE THESE 13 GROUNDS I NEEDED
ARGUED. DUE TO HER LACK OF JOB
PERFORMANCE I REMAIN ILLEGALLY
IMPRISONED. IF SHE WOULD HAVE
ARGUED THE GROUNDS I WANTED HER
TO ARGUE I PROBABLY WOULD HAVE
BEEN RELEASED A YEAR AGO!

A HABEAS PETITIONER NEED NOT ESTABLISH
THAT HE WAS ENTITLED TO REVERSAL IN
ORDER TO SHOW PREJUDICE IN THE DENIAL
OF APPELLATE COUNSEL (PEOPLE V. RHODEN
[1972] 6 Cal. 3d 519, 524 [99 Cal. Rptr. 751, 492
P. 2d 1143] IN RE SMITH supra., 3 Cal. 3d at p. 202)
IN THE CONTEXT OF THE FACTS OF THOSE

INEFFECTIVE ASSISTANCE OF COUNSEL page 3

CASES, IN SMITH AND RHODEN, SUPRA. OUR SUPREME COURT HELD THE INEXCUSABLE FAILURE OF DEFENDANT'S APPELLATE COUNSEL TO RAISE CRUCIAL ASSIGNMENTS OF ERROR, WHICH ARGUABLY MIGHT HAVE RESULTED IN A REVERSAL, DERIVED THE PETITIONER OF THE EFFECTIVE ASSISTANCE OF APPELLATE COUNSEL TO WHICH HE WAS ENTITLED UNDER THE CONSTITUTION.

JULIA SPIKES MADE AN INEXCUSABLE ERROR BY FAILING TO RAISE GROUNDS NEEDED TO END MY CASE AND GRANT ME PROPER RETRIBUTION FOR DAMAGES DONE. A SIMPLE WRIT OF MANDATE MAY BE NEEDED TO END THE CORRUPTION AND MALICIOUS PROSECUTION. IT IS BAD ENOUGH THE COURT AND POLICE HAVE COMMITTED HUNDREDS OF CRIMES AGAINST ME AND MY PROPERTY, BUT TO HAVE A LAWYER (JULIA SPIKES) REFUSE TO COME SEE ME IN CUSTODY, REFUSE TO GO OVER THE TRANSCRIPTS AND REFUSE TO ARGUE POINTS I NEED ARGUED IS UNEXCUSABLE. I BELIEVE THIS CONSTITUTIONAL ERROR IS REVERSIBLE AND I INTEND TO PURSUE IT ALL THE WAY TO THE END!

I WILL SPEND THE NEXT FEW PAGES

EXHIBIT A PAGE 4
INEFFECTIVE ASSISTANCE OF COUNSEL PAGE 4

BRIEFLY GOING OVER THESE 13 GROUNDS +
14 (MARSDEN).

GROUND 1 - SPEEDY TRIAL - I WAS AR-
RESTED ON 10/19/06 AND A COURT ORDER WAS
SIGNED 69 DAYS LATER 12/26/2006 COM-
MITTING ME TO NAPA STATE HOSPITAL.
I DID NOT WAIVE ~~THE~~ TIME AND WAS
NOT TAKEN TO TRIAL IN 60 DAYS; FURTHERMORE
I WAS HELD IN JAIL TILL FEBRUARY 7, 2007
I BELIEVE I SPENT ABOUT 100 DAYS IN
THE COUNTY JAIL WITH NO TRIAL.

GROUND 2 - I NEVER HAD A COMPETENCY
HEARING (NO WITNESSES, NO JURY?)

GROUND 3 - DOCTOR (WILTSE) AND (ROSOFF)
COMMITTED PERJURY TO DETAIN ME ILLEGALLY
UKIAH POLICE OFFICERS (CABRAL) AND
(STARK) COMMITTED PERJURY TO DETAIN
ME ILLEGALLY.

GROUND 4 - I HAVE BEEN HELD WITH
NO BAIL FROM 11/13/06. I CONSIDER
THIS CRUEL AND UNUSAL PUNISHMENT.

GROUND 5 - BOTH JULIA SPIKES AND
LINDA THOMPSON REFUSED ME A FULL
DISCOVERY!

GROUND 6 - BECAUSE OF INEFFECTIVE
ASSISTANCE OF COUNSEL I HAVE BEEN
HELD ALMOST 2 YEARS AND DENIED
WITNESSES FOR AND AGAINST.

EXHIBIT A PAGE 5

INEFFECTIVE ASSISTANCE OF COUNSEL pages

NO WITNESSES HAVE BEEN PUT ON THE STAND
TO CROSS-EXAMINE?

GROUND 7 - I WAS REFUSED A PRELIMINARY
WITHIN 10 DAYS DUE TO LAWYER
LINDA THOMPSON GOING ON VACATION.
THIS VIOLATES PENAL CODE 859b.

GROUND 8 - SEVERAL JUDGES HAVE
COMMITTED JUDICIAL MISCONDUCT IN
THIS CASE!

GROUND 9 - JUDGE MAYFIELD REFUSES
TO ANSWER HABEAS CORPUS WRITS
FROM OCTOBER AND NOVEMBER 2006.
I BELIEVE THE TRANSCRIPTS FROM
OCTOBER OR NOVEMBER 2006 SAY
THE COURT HAD 60 DAYS TO ANSWER
THOSE WRITS.

GROUND 10 - POLICE HAVE STOLEN CASH
AND CHECKS AND OTHER PROPERTY
ILLEGALLY - THIS NEEDS TO BE RETURNED
GROUND 11

GROUND 11 - AN ILLEGAL SEARCH WARRANT
WAS SERVED BY OFFICER STARK, THIS
NEEDS CHALLENGE.

GROUND 12 - PENAL CODE 1447 AND
1191.2 ALLOWS FOR RETRIBUTION FOR
FOR MALICIOUS PROSECUTION.

GROUND 13 - ON OR ABOUT MAY 3, 2008
JUDGE ELLSTON ILLEGALLY TERMINATED

EXHIBIT A PAGE 6

INEFFECTIVE ASSISTANCE OF COUNSEL pages 6

THE LITIGATION IN BOTH FEDERAL AND STATE COURTS WITH AN INTERLOCUTORY ORDER, I BELIEVE THIS NEEDS TO BE CORRECTED. ON 5/13/2008 I SENT A NOTICE OF APPEAL TO THE COURT OF APPEAL FIRST APPELLATE DISTRICT TO APPEAL CASE A-116597 TO THE SUPREME COURT OF CALIFORNIA. MY HOPE IS MY NEW APPELLATE ATTORNEY WILL GO OVER ALL THE TRANSCRIPTS AND ARGUE THESE 13 GROUNDS + 14 THE MARSDEN MOTION PROBLEM AS THIS ALSO NEEDS TO BE ADDRESSED.

JULIA SPIKES (SBN 201272) HAS REFUSED TO ARGUE THESE 13 GROUNDS NEEDED TO WIN MY CASE. HER LAZY ATTITUDE HAS KEPT ME ILLEGALLY IMPRISONED. SHE NEEDS TO ARGUE ALL THE GROUNDS AND WORK HARDER TO PROPERLY REPRESENT HER CLIENTS. ARGUMENT OF 1 GROUND AND REFUSING TO COME TALK TO ME'S LAWYER MISCONDUCT. AS FAR AS I AM CONCERNED SHE IS "FIRED" I NEED AN ATTORNEY WHO CAN GIVE ME 110% AND FIGHT FOR ME! UNDER THE PENALTY OF PERJURY THIS IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

EXHIBIT B PAGE 1

VINCENT ROSENBALM 8/18/08

2100 NAPA VALLEJO HIGHWAY

NAPA, CA 94558

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

VINCENT ROSENBALM } HABEAS CORPUS

V

} SUPPLEMENTAL

ED FOULK }

THOMAS ALLMAN } CASE NO: CV08-3436

INEFFECTIVE ASSISTANCE OF COUNSEL

ON 8/18/2008 I SENT A NOTICE OF
APPEAL TO UKIAH SUPERIOR COURT (LIERK)

AND 5/29/2008 A PETITION WAS FILED

WITH THE SUPREME COURT OF CALIFORNIA

I AM SENDING YOU INFORMATION

ABOUT INEFFECTIVE ASSISTANCE OF

COUNSEL IN THESE MATTERS. IN SUPERIOR

COURT ATTORNEY LINDA THOMPSON

REFUSES TO COME VISIT ME IN JAIL

AND REFUSES TO RETURN OR ANSWER

MY PHONE CALLS. AND ATTORNEY

JULIA SPIKES REFUSES TO COME

TALK TO ME, IN FACT 23 MONTHS

OF ILLEGAL INCARCERATION NO

ATTORNEY APPOINTED HAS COME TO SEE

ME, NOT ONCE??? HOW CAN I HAVE

EFFECTIVE COUNSEL IF NO ATTORNEY

WILL FILE MOTIONS I NEED FILED.

EXHIBIT B PAGE 2

1 ATTORNEY LINDA THOMPSON STATE BAR #118430
2 HAS TAKEN (2) VACATIONS WHILE I HAVE
3 BEEN IN THE COUNTY JAIL. HOW CAN
4 SHE TAKE VACATIONS AND DEFEND
5 ME AT THE SAME TIME? IMPOSSIBLE
6 AT ARRAIGNMENT ON 10/23/2006 SHE
7 TOLD ME SHE WAS GOING ON VACATION.
8 I SAW A CONFLICT OF INTEREST AND
9 ASKED FOR A MARSDEN HEARING, I DID
10 NOT GET ONE UNTIL 7/31/2008. THIS
11 IS A VIOLATION OF MY DUE PROCESS
12 AND 14TH AMENDMENT RIGHTS.

13 NOT ONLY DOES SHE REFUSE TO
14 TALK TO ME, BUT REFUSED ME DISCOVERY.
15 I DID NOT HAVE A PRELIMINARY IN
16 OVER 60 DAYS. I WAS ARRAIGNED ON
17 10/23/2006 AND ON 12/26/2006 COMMITTED
18 TO THE STATE HOSPITAL. PENAL CODE 859(b)
19 STATES DISMISSAL FOR NO PRELIMINARY
20 IN 60 DAYS. I WAS ALSO REFUSED
21 A SPEEDY TRIAL AND DENIED
22 WITNESSES AND DENIED A COMPETENCY
23 HEARING.

24 THE WORST OFFENSE WAS ON OR
25 ABOUT 4/10/2007 LINDA THOMPSON
26 FILED COURT PAPER TO INVOLUNTARILY
27 MEDICATE ME, WITHOUT EVEN NOTIFYING
28 ME, SHE WAS NOT EVEN ATTORNEY OF RECORD.

EXHIBIT B PAGE 3

ON 4/10/2007 JULIA SPIKES WAS MY ATTORNEY
OF RECORD. LINDA THOMPSON WAS
SEEKING REVENGE FOR A STATE BAR
COMPLAINT TO POISON ME. PENALCODE 347
DUE TO LINDA THOMPSON'S
VACATION MOST OF MY CIVIL RIGHTS
HAVE BEEN VIOLATED AND I
REMAIN ILLEGALLY INCARCERATED.

A) NO PRELIMINARY IN 60 DAYS

B) NO SPEEDY TRIAL IN 60 DAYS

C) NO DISCOVERY

D) REFUSES TO ARGUE ANY ISSUES

E) NO BAIL

F) MISREPRESENTATION

I BELIEVE ON 7/31/08 SHE TOLD
JUDGE RON BROWN SHE WAS GOING
TO SEE HER FATHER AND THE PUBLIC
DEFENDERS OFFICE SAID SHE WAS
ON VACATION 8/1/2008 TO 8/7/2008.
SHE REFUSED TO BRING ME A WRIT
OF MANDATE, AS I LEFT A MESSAGE
ON HER PHONE TO DELIVER IT TO THE
JAIL. SHE CANNOT POSSIBLY DEFEND
ME AND BE ON VACATION.
UNDER THE PENALTY OF PERJURY
THIS IS TRUE AND CORRECT TO THE
BEST OF MY KNOWLEDGE.

Vincent Rosenbly

EXHIBIT B PAGE 4

Vincent Rosenbalm
2100 Napa Vallejo Highway
Napa, CA 94558

**U.S. District Court
Northern District of California
Case Number CO7_4197 si pr**

**Mendocino County Superior Court
Cases**

MCUK CVUD 06-10320

MCUK CR CR 06-74005

Marsden Motion for Attorney Linda Thompson SBN#118430

- 1. Conflict of Interest Mendocino Superior court appointed
Linda Thompson who was going on vacation.**
- 2. No Discovery**
- 3. Misrepresentation**
- 4. Never came to see me, not once!!!!**
- 5. Never returned phone calls, it is not possible to being on
vacation, definitely a problem**
- 6. Filed false documents on or about 4/10/07 as means of
revenge for state bar complaints**
- 7. Refused bail**
- 8. Denied witnesses**
- 9. Denied speedy trial within 60 days due to lawyer vacation**
- 10. Malicious prosecution**
- 11. Superior Court refused to have Marsden hearing
illegally *FOR OVER 600 DAYS.***

Vincent Rosenbalm

4/15/2008

EXHIBIT B PAGE 15

Vincent Rosenbalm
2100 Napa Vallejo Highway
Napa, CA 94558
707 252 9949

Declaration in Support of Marsden

I have been denied a visit by lawyers for over 19 months of trial and denied counsel in all stages of trial. Attorney Julia Spikes SBN #201272 refuses to come to talk to me to file necessary motions and file documents needed to be filed. This definitely is a conflict of interest of interest.

How can Julia Spikes defend me if she refuses to come to talk to me? Meanwhile I am denied court access by the person in charge of my custody such as copy machines, computer access and proper mail service and more, yet Julia refuses to help me file documents and insure me access to the courts. She needs to put in 110% to represent me, not a half hearted effort. Furthermore Mendocino appointed me Linda Thompson who told me she could not represent me due to going on vacation. The court refused to allow me to fire her even so, which is illegal of them to deny a marsden hearing. How can a lawyer be on vacation and defend me??? This is a conflict of interest.

Vincent Rosenbalm
4/15/08

EXHIBIT C Page 1

OFFICE OF PATIENTS' RIGHTS
NAPA STATE HOSPITAL

Office of Patients' Rights use only

Date received by O.P.R.:

Service #.

Date Closed:

• Formal Complaint Form

Patient Name: VINCENT ROSENBALM ID#: 2069375Commitment Code: 1370 Unit #: Q5/6 Date: 7/24/08

Describe your complaint below:

* Do you have Attachments? _____

ED FOULK YOU ARE IN CONTEMPT OF COURT
AND GUILTY OF KIDNAPPING
COURT ORDER A116597 AND S163898 FROM
THE SUPREME COURT VACATED MY COMMITMENT
ORDER ON 7/09/08, YOU HAD 15 DAYS TO HOLD
ME OR RELEASE ME, AND 16 HAVE PASSED.
UNDER PENAL CODE 1382(1)
I AM ILLEGALLY IMPRISONED!

Office of Patients' Rights Response:

Patients' Rights Advocate signature: _____ Date: _____

This complaint does not support an action of abuse or neglect, punitive withholding or
unreasonable denial of patients' rights. This issue is being referred to Program Director.

_____, Program # _____ for resolution and response.

All responses should be provided directly to the patient.

MENDOCINO COUNTY SHERIFF'S OFFICE
Corrections Division

INMATE REQUEST FORM

"A" #: 2

Name: ROSENBAUM VINCENT L
Last First Middle

Date: 8/4/08 Housing Assgmt: A 2

Check One: ☐ Writ ☐ Grievance ☐ Classification ☐ AIDS Testing

☐ Inmate Services ☐ Probation ☐ Release Date

Other: Writ in Property

Explanation/Comment (PRINT CLEARLY - ONLY ONE REQUEST PER FORM):

I NEED TO GET A WRIT OUT OF
MY PROPERTY AS SOON AS
POSSIBLE IT NEEDS TO BE
MAILED BY FRIDAY

C/D SIGNATURE REQUIRED: _____ ID# _____

Date: _____ Routed to: _____

Response/Action Taken: _____

OW-Response to Inmate WHITE-"A" File (When Completed)
Rev. 4/7/98

MENDOCINO COUNTY SHERIFF'S OFFICE
Corrections Division

INMATE REQUEST FORM

"A" #: 2

Name: ROSENBAUM VINCENT L
Last First Middle

Date: _____ Housing Assgmt: _____

Check One: ☐ Writ ☐ Grievance ☐ Classification ☐ AIDS Testing

☐ Inmate Services ☐ Probation ☐ Release Date

Other: Appeal Form

Explanation/Comment (PRINT CLEARLY - ONLY ONE REQUEST PER FORM):

FORM MOTION FOR APPEAL
OR APPEAL FORM FOR
COURT CLERK
ONE-PAGE FORM

C/D SIGNATURE REQUIRED: _____ ID# _____

Date: _____ Routed to: _____

Response/Action Taken: _____

Respondent's Name: _____ ID# _____ Date: _____
PINK-Inmate Keeps YELLOW-Response to Inmate WHITE-"A" File (When Completed)
Form 88 Rev. 4/7/98

MENDOCINO COUNTY SHERIFF'S OFFICE
Corrections Division

INMATE REQUEST FORM

Name: ROSENBAUM VINCENT "A#": 23912
Last First Middle

Date: 8/7/08 Housing Assgmt: A 2

Check One: ☐ Writ ☐ Grievance ☐ Classification ☐ AIDS Testing
☐ Inmate Services ☐ Probation ☐ Release Date

☒ Other:

Explanation/Comment (PRINT CLEARLY - ONLY ONE REQUEST PER FORM):

LITENANT - Sergeant
I NEED TO GET A writ
OUT OF MY PROPERTY
I told officers at booking
I would need legal work
out of property
C/D SIGNATURE REQUIRED: ID #

Date: Routed to:

Response/Action Taken:

Respondent's Name:

ID#

Date:

PINK - Inmate Keeps YELLOW - Response to Inmate WHITE - "A" File (When Completed)

MENDOCINO COUNTY SHERIFF'S OFFICE
Corrections Division

INMATE REQUEST FORM

Name: ROSENBAUM VINCENT "A#": 2
Last First Middle

Date: 7/29/08 Housing Assgmt: A 2

Check One: ☒ Writ ☐ Grievance ☐ Classification ☐ AIDS Testing
☐ Inmate Services ☐ Probation ☐ Release Date

☐ Other:

Explanation/Comment (PRINT CLEARLY - ONLY ONE REQUEST PER FORM):

Writ of Mandate

C/D SIGNATURE REQUIRED: ID #

Date: Routed to:

Response/Action Taken:

Respondent's Name:

ID#

Date:

PINK - Inmate Keeps YELLOW - Response to Inmate WHITE - "A" File (When Completed) Form 88

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): VINCENT ROSENBALM 2100 NAPA VALLEJO HIGHWAY NAPA, CALIFORNIA 94558 TELEPHONE NO.: (707) 252-9949 FAX NO.: ATTORNEY FOR (Name):		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
PEOPLE OF THE STATE OF CALIFORNIA vs.		
DEFENDANT: Date of birth: 11-28-59 California Dept. of Corrections No. (if applicable):		
NOTICE OF APPEAL—FELONY (DEFENDANT) (Pen. Code, §§ 1237, 1538.5(m); Cal. Rules of Court, rule 8.304)		CASE NUMBER(S): MCUKCRCR06-74005

NOTICE

- If your appeal challenges the validity of the plea you must complete the *Request for Certificate of Probable Cause* on the other side of this form. (Pen. Code, § 1237.5.)
- You must file this form in the superior court within 60 days after entry of judgment.

1. Defendant (name): **VINCENT ROSENBALM**
appeals from the order or judgment entered on (specify date of order, judgment, or sentence): **7/31/2008**
2. This appeal follows:
- a. ☐ A jury or court trial. (Pen. Code, § 1237(a).)
- b. ☐ A contested violation of probation. (Pen. Code, § 1237(b).)
- c. ☐ A guilty (or no-contest) plea or an admitted probation violation (check all boxes that apply):
- (1) ☐ This appeal is based on the sentence or other matters occurring after the plea. (Cal. Rules of Court, rule 8.304.)
- (2) ☐ This appeal is based on the denial of a motion to suppress evidence under Penal Code section 1538.5.
- (3) ☐ This appeal challenges the validity of the plea or admission. (You must complete the *Request for Certificate of Probable Cause* on the other side of this form.)
- d. ☒ Other (specify): **PREJUDICIAL ERROR ON APPEAL TO THE STATE COURT OF APPEAL AND STATE SUPREME COURT MARSDEN HEARING 7/31/08**
3. ☐ I request that the court appoint an attorney on appeal. Defendant ☐ was ☒ was not represented by an appointed attorney in the superior court. **ASK FOR APPOINTMENT OF COUNSEL PENAL CODE 1240.1**
4. Defendant's address: ☐ same as in attorney box above.
☒ as follows:
2100 NAPA VALLEJO HIGHWAY
NAPA, CALIFORNIA 94558

Date: **8/15/08****VINCENT ROSENBALM**
(TYPE OR PRINT NAME)**Vincent Rosenbalm**
(SIGNATURE OF DEFENDANT OR ATTORNEY)

CASE NUMBER(S):

REQUEST FOR CERTIFICATE OF PROBABLE CAUSE

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Date:

(SIGNATURE OF DEFENDANT OR ATTORNEY)

This Request for Certificate of Probable Cause is (check one): ☐ granted ☐ denied.

Date:

EXHIBIT A PAGE 1

VINCENT ROSENBALM

8/15/08

2100 NAPA VALLEJO HIGHWAY

NAPA, CALIFORNIA 94558

MENDOCINO SUPERIOR COURT

PEOPLE OF THE STATE } GROUNDS FOR APPEAL
OF CALIFORNIA }

V

MENDOCINO SUPERIOR COURT

VINCENT ROSENBALM } CASE NO: MCUKCRCR06-74005

1) JUDICIAL MISCONDUCT (JUDGE RON BROWN)

2) INEFFECTIVE ASSISTANCE OF COUNSEL

BASED ON ATTORNEY (LINDA THOMPSON)

3) DENIAL OF ACCESS TO COURTS WHICH

INCLUDES BUT NOT LIMITED TO POLICE

CONFISCATING AND SCANNING MY CON-

FIDENTIAL LEGAL PAPERS.

4) VIOLATION OF TIME LIMITS

A) NOT ARRAIGNED IN 72 HOURS

B) HELD 20 DAYS AFTER COURT ORDER VACATED

C) NO TRIAL, NO PRELIMINARY IN 60 DAYS

D) SEE PENAL CODE(S) 1382, 859(B)

5) OTHER VIOLATION(S) OF MY STATE AND

FEDERAL CONSTITUTIONAL RIGHTS

6) JUDGE MAYFIELD REFUSING TO ANSWER

A HABEAS CORPUS OVER 600 DAYS

UNDER THE PENALTY OF PERJURY THIS

IS TRUE AND CORRECT TO THE BEST OF

MY KNOWLEDGE.

VINCENT ROSENBALM

Vincent Rosenbalm.

EXHIBIT A PAGE 2
GROUNDS FOR APPEAL

8/15/08

1) JUDICIAL MISCONDUCT (JUDGE RON BROWN)

ON 12/26/2006 JUDGE RON BROWN

COMMITTED ME TO NAPA STATE HOSPITAL.

ONLY PROBLEM IS HE REFUSED ME A

COMPETENCY HEARING WITH WITNESSES.

THIS VIOLATES MY 14TH AMENDMENT DUE

PROCESS RIGHTS. FAILURE TO HOLD A

COMPETENCY HEARING PURSUANT TO PENAL

CODE 1368 IS REVERSIBLE ERROR. —→

PEOPLE V. STANKEWITZ, 32 Cal. 3d 80, 184 Cal. Rptr. 611 (1982)

DUE PROCESS REQUIRES A FULL COMPETENCY HEARING

PEOPLE V. DANIELSON 3 Cal. 4th 691, 13 Cal. Rptr. 2d 1 (1992)

ON 7/31/2008 I HAD A HEARING IN MEN-

DOCINO SUPERIOR COURT AND JUDGE BROWN

WAS THE JUDGE. I IMMEDIATELY ASKED

FOR A 170.6 MOTION TO DISQUALIFY

HIM. SECTION 170.6 ALLOWS SUCH A CHALL-

ENGES TO AVOID POTENTIAL BIAS BY A

JUDGE REVERSED ON APPEAL. THIS WAS

THE CASE THAT DAY, AND I GAVE HIM A

170.6 MOTION THAT DAY.

GEDDES V. SUPERIOR COURT (2005) 126 Cal. App. 4th 417,

423 (Geddes).) JUDGE BROWN REFUSED TO

HONOR MY 170.6 MOTION WHICH IS A CON-

STITUTIONAL ERROR, AND BECAUSE THE ERROR

AFFECTED THE INTEGRITY OF THE JUDICIAL

PROCESS, REVERSAL IS REQUIRED.

2) INEFFECTIVE ASSISTANCE OF COUNSEL

ON OR ABOUT 10/23/2006 I WAS APPOINTED ATTORNEY LINDA THOMPSON, WHO TOLD ME SHE COULD ONLY REPRESENT ME ONE DAY DUE TO AN UPCOMING VACATION. I SENSED A CONFLICT OF INTEREST AND ASKED FOR A MARS DEN HEARING. JUDGE MAYFIELD REFUSED ME A HEARING AND SO DID JUDGE BROWN. IN FACT I WAS REFUSED A MARS DEN HEARING UNTIL 7/31/2008 A TOTAL OF 21 MONTHS.

DUE TO LINDA THOMPSON BEING ON VACATION I WAS DENIED DISCOVERY, WITNESSES, SPEEDY TRIAL AND SEVERAL OTHER DUE PROCESS RIGHTS. SHE HAS NEVER ANSWERED MY PHONE CALLS AND REFUSES TO COME VISIT ME AT JAIL. SHE HAS NEVER DONE HER JOB. IN FACT AS REVENGE FOR ME FILING COMPLAINTS WITH THE STATE BAR SHE FILED A MOTION TO INVOLUNTARILY MEDICATE ME WITHOUT EVEN NOTIFYING ME. THIS AMOUNTS TO POISONING UNDER PENAL CODE 347. THIS MOTION WAS ON OR ABOUT 4/10/2007 AND SHE WAS NOT EVEN MY ATTORNEY OF RECORD AT THE TIME I HAD ATTORNEY JULIA SPIKES WORKING ON MY CASE. (SBN 201272)

EXHIBIT A PAGE 24

LINDA THOMPSON CANNOT POSSIBLY DEFEND ME AND BE ON VACATION AT THE SAME TIME, I BELIEVE SHE COMMITTED DOZENS OF CRIMES AGAINST ME, BUT TO POISON ME IS A LOW BLOW. SHE FALSIFIED COURT RECORDS TO DO THIS, WHEN SHE WAS NOT EVEN MY ATTORNEY OF RECORD.

ON 7/31/2008 I WAS FINALLY GIVEN A MARSDEN HEARING TO BRING UP SOME OF HER MISCONDUCT. THIS HEARING LASTED ABOUT 50 MINUTES AND I PRESENTED MOST OF THE EVIDENCE AGAINST HER. ON 7/31/08 IN COURT SHE TOLD THE JUDGE SHE WAS GOING TO VISIT HER FATHER FOR HIS BIRTHDAY, AND I CALLED THE PUBLIC DEFENDERS OFFICE AND THEY TOLD ME SHE WAS ON A VACATION AGAIN? SHE REFUSED TO ANSWER MY CALLS ~~IN~~ JAIL AND REFUSED TO BRING ME A WRIT OF MANDATE WRIT I ASKED FOR AFTER LEAVING HER A MESSAGE ON HER PHONE LINE. THESE ARE ONLY A FEW OF HER VIOLATIONS AND IF NEEDED BE WE CAN ARGUE MORE ON APPEAL. IT SHOULD BE CLEAR SHE THINKS VACATION(S) ARE MORE

1 HAN DOING A JOB DEFENDING FREEDOM.

2 3) ACCESS TO COURT

3 WHILE IN MENDOCINO COUNTY JAIL

4 FROM 7/28/2008 TO 8/11/2008 POLICE

5 REFUSED TO GIVE ME MY CONFIDENTIAL

6 LEGAL WORK AND WRITS, WHICH INCLUDED

7 A WRIT OF MANDATE! LINDA THOMPSON

8 ALSO REFUSED TO BRING ME A WRIT OF

9 MANDATE AFTER I LEFT A MESSAGE

10 ON HER PHONE TO DELIVER ONE TO ME

11 AT THE JAIL. I SENT A WRIT OF MAN-

12 DATE FROM THE HOSPITAL 8-14-2008

13 AND ASKED FOR EXTENDED TOLLING TIME.

14 ON 8-11-2008 I WAS TRANSFERRED

15 ~~FROM~~^{TO} NAPA STATE HOSPITAL FROM:

16 MENDOCINO COUNTY JAIL, WHEN I

17 ARRIVED AT THE HOSPITAL THE HOSPITAL

18 ADMISSIONS ALSO REFUSED TO GIVE

19 ME POSSESSION OF MY LEGAL WORK.

20 I NEED MY LEGAL WORK AND PAPERS

21 TO FILE MOTIONS IN COURT AND THIS

22 ACTION OF CONFISCATING MY LEGAL

23 PAPERS HAS BLOCKED MY ACCESS

24 TO THE COURTS, AND CAUSED "INJURY"

25 BY MISSING TIME LIMITS AND

26 PERPETUATING MY CONFINEMENT. (see

27 LEWIS V CASEY 518 U.S.C. 343, 357, 116 S. Ct. 2174,

28 135, ~~135~~ L. Ed. 2d. 606 (1996))

EXHIBIT A PAGE 6

HOSPITAL WORKERS TOLD ME THE REASON FOR TAKING MY LEGAL PAPERS WAS TO SCAN THEM. THIS POLICY REQUIRING PRISONERS CONFIDENTIAL LEGAL PAPERS FOR SCANNING, COPYING OR INSPECTION IS A VIOLATION OF MY DUE PROCESS AND ILLEGAL, WHICH IS A CONSTITUTIONAL ERROR. REVERSAL IS THE PROPER REMEDY FOR THIS ERROR. DUE TO POLICE REFUSING ME ACCESS TO MY LEGAL WORK FROM 7/28/2008 TO 8/14/2008 I HAD TO ASK THE COURT OF APPEAL FOR EXTENDED TOLLING TIME ON MY WRIT OF MANDATE AGAINST JUDGE RON BROWN FOR COMMITTING JUDICIAL MISCONDUCT.

4) TIME LIMIT

I LEFT NAPA STATE HOSPITAL ON 7/28/2008 AT APPROXIMATELY 11:00 AM AND ARRIVED AT MENDOCINO COUNTY JAIL AT 1:00 PM. ON THURSDAY 7/31/08 I WAS ARRAIGNED AT 1:40 PM WHICH WAS LONGER THAN 72 HOURS.

MY COURT ORDER WAS VACATED 7/9/2008 AND ED FOULK - EXECUTIVE DIRECTOR OF NAPA STATE HOSPITAL HAD 15 DAYS UNDER PENAL CODE 1382(1) TO RELEASE ME OR CHARGE ME

EXHIBIT A PAGE 7

1 HE FAILED TO RELEASE ME AND SHERIFF
2 TOM ALLMAN FAILED TO TRANSFER
3 CUSTODY WITHIN 15 DAYS WHICH
4 VIOLATES MY RIGHTS TO A SPEEDY
5 TRIAL.

6 ON WAS ARRAIGNED 10/23/2006 IN
7 MENDOCINO SUPERIOR COURT BY JUDGE
8 CINDEE MAYFIELD AND COMMITTED
9 TO NAPA STATE HOSPITAL 12/26/2006.
10 DUE TO ATTORNEY LINDA THOMPSON
11 GOING ON VACATION I NEVER HAD
12 A PRELIMINARY IN 60 DAYS, UNDER
13 PENAL CODE 859(B) THIS CALLS FOR
14 DISMISSAL AND PENAL CODE 1382
15 STATES I DID NOT GET A SPEEDY
16 TRIAL.

17 5) OTHER VIOLATIONS

18 I BELIEVE HUNDREDS OF CRIMES
19 HAVE BEEN COMMITTED AGAINST ME
20 IN THIS CASE AND MOST EXIST ON THE
21 PAPER TRAIL. I WILL GIVE A COUPLE
22 GOOD EXAMPLES WHICH INCLUDES
23 (2) ARRESTING OFFICERS JOSHUA
24 CABRAL AND GLENN STARK. ON OR
25 ABOUT 9/22/2006 OFFICER GLENN STARK
26 STOLE ABOUT \$5600 CASH AND CHECKS
27 FROM ME AND MY CELL PHONE DURING
28 AN ARREST, HE BEGAN USING MY CELL

~~EXHIBIT A PAGE 8~~

PHONE AND REFUSED TO GIVE ME MY PHONE
DESPITE ME ASKING FOR IT THAT DAY.
PENAL CODE(S) 632, 632.7 CALL FOR
DAMAGES FOR INVASION OF PRIVACY
FOR USING MY CELL PHONE ILLEGALLY.
I BELIEVE IT IS \$5,000.00 PER VIOLATION
I FILED COMPLAINTS WITH THE FCC
AND FBI ARREST WARRANT FOR HIM.
I ALSO FILED AN FBI ARREST WARRANT
FOR OFFICER CABRAL FOR PERJURY.

TO INCLUDE MORE ON 9/22/2006
DURING A SEARCH WARRANT OF MY
HOUSE BY OFFICER STARK, JEWELRY
AND VACATION VOUCHERS WERE STOLEN
ALONG WITH COURT PAPERWORK FOR
OTHER CASES.

TO INCLUDE ALL THE VIOLATIONS
OF MY STATE AND CONSTITUTIONAL
RIGHTS WOULD TAKE HUNDREDS
OF PAGES AND INCLUDE DOZENS
OF STATE AND FEDERAL AGENCIES
AND COURTS. FOR NOW I WILL
ONLY INCLUDE A SMALL PORTION
OF THE VIOLATIONS IN MY COMPLAINT.
IF WE NEED ANOTHER HEARING IN
URIAH IT WILL BE NECESSARY TO
SUBPOENA THEM ALL.

(6) ON OR ABOUT 10/23/2006 JUDGE MAYFIELD

1 TOOK A HABEAS CORPUS IN MENDOCINO
2 SUPERIOR COURT AND OVER 600
3 DAYS LATER IT HAS NOT BEEN
4 ANSWERED, AND ON 11/13/2006 I GAVE
5 JUDGE MAYFIELD ANOTHER HABEAS.
6 IT HAS NOT BEEN ANSWERED.
7 THIS VIOLATES MY 1ST AND 14TH
8 AMENDMENT RIGHTS UNDER THE
9 UNITED STATES CONSTITUTION.

10 TITLE 8 CHAPTER 1.5 SECTION 68210? ~~SECTION~~
11 ARTICLE VI SECTION 19 OF THE STATE
12 CONSTITUTION PROVIDE PROVISIONS
13 FOR THIS MISCONDUCT.

14 7) I ASK FOR RETRIBUTION AND
15 HELP FROM VICTIM WITNESS TO
16 RELOCATE. THIS INCLUDE THE FOLL-
17 OWING PENAL CODES 1447, 1191.2
18 AND 1202.4(K)(2), 1202.4(F)(3)(H), 1202.4(F)(3)(G)
19 MY HOPE IS ALSO MY (2) DOGS

20 ALEX AND RUTH ARE RETURNED.
21 SAGE MOUNTAIN FIRE TOLD ME THEY
22 WERE TAKEN CARE OF IN HOPLAND.
23 UNDER THE PENAL OF PERJURY
24 THIS IS TRUE AND CORRECT
25 TO THE BEST OF MY KNOWLEDGE.

26 VINCENT ROSENBAUM

27 Vincent Rosenbaum
28

PROOF OF SERVICE 8/16/08

I AM VINCENT ROSENBALM AN
AMERICAN CITIZEN OVER 18
YEARS OF AGE

ON 8/18/2008 I SERVED THE WITHIN

1) NOTICE OF APPEAL

2) EXHIBIT A (9) PAGES

GROUND S FOR APPEAL

BY PLACING A COPY IN THE NAPA
STATE HOSPITAL MAIL ADDRESSED:
TO: COURT CLERK

MENDOCINO SUPERIOR COURT

100 N. STATE STREET

UKIAH, CALIFORNIA 95482

FROM

VINCENT ROSENBALM

2100 NAPA VALLEJO HIGHWAY

NAPA, CA 94558

UNDER THE PENALTY OF PERJURY
THIS IS TRUE AND CORRECT TO
THE BEST OF MY KNOWLEDGE.

VINCENT ROSENBALM

Vincent Rosenbalm

VINCENT ROSENBALM

8/20/2008

2100 NAPA VALLEJO HIGHWAY

NAPA, CA 94558

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

VINCENT ROSENBALM } HABEAS CORPUS

V }

ED FOULK }

THOMAS ALLMAN } CV08-3436

EXHIBIT C SHOWS A CONSPIRACY

BY POLICE AND LINDA THOMPSON

TO DENY ME A WRIT OF MANDATE

NEEDED TO STOP MY ILLEGAL

IMPRISONMENT. I NEEDED TO GET

A MANDATE IN 10 DAYS DUE TO

JUDICIAL MISCONDUCT BY JUDGE

RON BROWN AND A 170.6 MOTION.

I HAD THE WRIT IN MY PROPERTY

AND POLICE REFUSED ME ACCESS

TO MY PROPERTY FOR 3 WEEKS.

FROM 7/28/08 TO 8/14/08 AND ATTORNEY

LINDA THOMPSON WENT ON VACATION

AND REFUSED TO BRING ME THE

WRIT TO JAIL. DENIAL OF ACCESS

TO THE COURTS. UNDER THE PENALTY

OF PERJURY THIS IS TRUE AND CORRECT

TO THE BEST OF MY KNOWLEDGE.

Vincent Rosenbalm

VINCENT ROSENBAUM
2100 NAPA VALLEJO HIGHWAY
NAPA, CA 94558

RECEIVED

AUG 25 2008
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SY

LEGAL MAIL

COURT CLERK

U.S. DISTRICT COURT

450 GOLDEN GATE AVE.

SAN FRANCISCO, CA 94102



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